

1 HEARING OFFICER:

2 Mary Beth Wood would be
3 on deck, and then the next speaker
4 would be Pat Henderson.

5 Am I correct? No?

6 Let's see here. What's
7 your name, sir?

8 MR. TITTEL:

9 I'm Jeff Tittel.

10 HEARING OFFICER:

11 Okay.

12 Mr. Henderson's before
13 you.

14 MR. TITTEL:

15 I'm sorry, no problem.

16 HEARING OFFICER:

17 I probably fouled up on
18 you. All right.

19 And let's see here.

20 This is Mr. Tittel? You're on, you're
21 on.

22 MR. HENDERSON:

23 Thank you, good
24 afternoon. My name is Patrick
25 Henderson, and I serve as the Director

1 of Regulatory Affairs for the
2 Marcellus Shale Collation.

3 Our members represent
4 thousands of Pennsylvania employers
5 and by extension, tens of thousands of
6 Pennsylvania landowners who are
7 committed to the safe development,
8 transportation and utilization of
9 domestic natural gas.

10 To be clear, the MSC and
11 its member companies and the thousands
12 of Pennsylvanians who work for these
13 companies, support responsible, safe
14 development of natural gas within the
15 Delaware River Basin. To prohibit the
16 development of this critical energy
17 resource as the Commission seeks to do
18 defies common sense, sound science,
19 responsible policy making and the
20 corporate charter and statutory
21 authority of the Commission.

22 It is simply wrong, not
23 authorized, and this rulemaking ought
24 not to be adopted. The intention of
25 any public comment and hearing process

1 is presumably to solicit and
2 thoughtfully consider input from a
3 wide array of stakeholders on the
4 proposed policy and to withhold final
5 judgement until all of the facts are
6 in.

7 Yet, that is not what is
8 happening here. It is clear that the
9 majority of the Commissioners have
10 already made up their political minds
11 on this manner. Indeed, while the
12 Commission staff took great pains in
13 announcing these hearings and the
14 public comment period to stress that
15 no final decision or action had yet to
16 be taken, on September 13th. A
17 majority of the Commissioners issued a
18 press release congratulating
19 themselves on banning natural gas
20 development within the watershed
21 depriving their own citizens of their
22 private property rights.

23 The Commission's
24 enactment for the past eight years,
25 which it seeks to permanently adopt

1 through this rulemaking, has inflicted
2 significant harm upon the Commonwealth
3 and its citizens.

4 Hundreds of millions of
5 dollars of lease and royalty payments
6 to the Pennsylvania landowners have
7 been lost. Potentially, billions of
8 dollars of private capital investment
9 has been diverted out of the
10 Commonwealth. The economic and job
11 damage inflicted by the Commission is
12 difficult to fully quantify or
13 comprehend.

14 So what would you find
15 if you examined the facts of natural
16 gas development in Pennsylvania in
17 2018? You would find a highly
18 compliant industry of over 95 percent.
19 You would find an industry that has
20 been in a partner in working to enact,
21 adopt and implement the most stringent
22 operating requirements of the nation.
23 You would find an industry that
24 voluntary stopped taking wastewater to
25 discharge treatment systems and has

1 focused on treating and recycling
2 water. And you would find an industry
3 that has contributed hundreds of
4 millions of dollars to study, monitor,
5 enhance and safeguard the water
6 resources of Pennsylvania.

7 When Pennsylvania's
8 elected general assembly voted to
9 adopt the compact in July 1961, they
10 could not possibly have envisioned
11 this day when the rights of the
12 citizens of Pennsylvania and the
13 authority of the Commonwealth would be
14 subverted in furtherance of political
15 objectives of a select few.

16 Ironically, one of the
17 core principles of the compact
18 contained in that 1961 act, states
19 that its purpose is to apply the
20 principle of equal and uniform
21 treatment of all water users without
22 regard for established political
23 values. The Commission's proposed
24 actions are anything but equal or
25 uniform and its outcome could not be